Exhibit C

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

CLYDE RAY SPENCER, PLAINTIFF,)) No. C11-5	424 BHS	
V. SHARON KRAUSE AND MICHAEL DAVIDSON, DEFENDANTS.	SPECIAL VERDICT FORM (Modified))		
We, the jury, answer the questions	submitted by the co	ourt as foll	ows:
QUESTION 1: Has the plaintiff providefendant Krause and/or defendant Daviquoting statements and/or falsely reportant plaintiff, and/or that defendant Davidsor did so but he failed to act to prevent it? Answer "yes" or "no" after the name	idson deliberately in orting information in knew or should h	fabricated in police	evidence by falsely reports regarding
·	of the defendant.		
ANSWER:		Yes	No
Defendant Krause			
Defendant Davidson			
INSTRUCTION: If you answered "no" to Overdict form. If you answered "yes" to Ques	=		_
QUESTION 2: Has the plaintiff proved, time of the acts and/or failure to act defen reasonably should have known, plaintiff was being investigated?	dant Krause and/or	defendant	t Davidson knew, or
Answer "yes" or "no" after the name have deliberately fabricated quoted statemen) found by	you in Question 1 to
ANSWER:		Yes	No
Defendant Krause			
Defendant Davidson			

INSTRUCTION: If you answered "no" to Question 2 as to both defendants, sign and return this verdict form. If you answered "yes" to Question 2 as to either defendant, answer Question 3.

QUESTION 3: Has the plaintiff proved, by a preponderance of the evidence, that defendants proximately caused plaintiff's arrest, prosecution and imprisonment because, without the falsely quoted statements and/or falsely reported information in the police reports, there was insufficient information to establish probable cause necessary to lawfully arrest, prosecute and imprison plaintiff?

ANSWER:	Yes	No	
INSTRUCTION: If yanswered "yes" to Qu	-	-	and return this verdict form. If you
defendant Krause quoted statements a	and defendant and/or falsely re r reasonably sho	Davidson conspired ported information is ould have known, place to the control of	ponderance of the evidence, that I to deliberately fabricate falsely n police reports regarding plaintiff aintiff was innocent of any and all
ANSWER:	Yes	No	
INSTRUCTION: If y Question 4, answer Q	•	es" to Question 3, or y	ou answered "yes" to Question 3 and
QUESTION 5: Wh	at do you find to	o be the plaintiff's tot	al amount of damages?
ANSWER:	\$		
INSTRUCTION: Sig	gn this verdict for	orm and notify the baili	ff.
DATE:			ng Juror

Authority: WPI 5th Ed. 45.23 (modified)

9th Cir. Manual of Model Civil Jury Instrs. 12.1A (modified)

Plaintiff's Objection: This special verdict form is incomplete and confusing. The verdict form also is repetitive of prior instructions, such as the preponderance of evidence burden of proof. It is also improper because it misstates the element of causation. Section 9 of the Model Instructions is entitled "Civil Rights Actions—42 U.S.C. § 1983." Section 9.8 is entitled "Causation," and it states that the plaintiff must prove that the act(s) and/or failures to act were

"so closely related to the deprivation of the plaintiff's rights as to be the moving force that caused the ultimate injury." Given that this is a civil rights action, Model Instruction 9.8 is the proper causation instruction. Plaintiff's disputed instruction no. 7 properly sets forth 9.8, with an additional paragraph that is fully supported by the comments for 9.8, citing *Jones v. Williams*, 297 F.3d 930 (9th Cir. 2002). The model instruction, which expressly provides the option of naming individual defendants (i.e., "police officer"), is in no way limited to *Monell* claims, as Defendants seem to suggest, dkt. 211 at 12. The Manual of Model Jury Instructions for the 9th Circuit ("Model Instructions") prescribes the use of special verdict forms such as the one proposed by defendants in only two types of cases: disparate treatment (10.1A) and ADA discrimination (12.1A), neither of which relate to plaintiff's § 1983 claims.

Further, the question regarding "all crimes for which he was being investigated" would lead the jury to consider the lead the jury to consider the many allegations Defendants have made against Plaintiff that are not to be considered as relevant to probable cause, including, for example, the Rhonda Short allegation, as Defendant has alleged Plaintiff was being investigated for that crime.

Defendants seem to recognize that their proposed causation finding is unsupported, as they include supplemental instructions and a supplemental verdict form representing the "moving force" instruction.

Plaintiff's disputed closing instruction no. 9 states that in order to prevail in his deliberate fabrication of evidence claim, he must prove that "(1) Defendants deliberately fabricated evidence on which the prosecution based the criminal charges against Plaintiff; and (2) Defendants continued their investigation of Plaintiff despite the fact they knew or should have known that he was innocent." Plaintiff's disputed closing instruction no. 7 properly instructs the jury on causation. *See supra*; Model Instructions 9.8. Plaintiff's disputed closing instruction no. 13 properly instructs the jury on conspiracy. Plaintiff's general verdict form, in turn, asks the jury to find in favor of the plaintiff or defendants on each count, and, if necessary, enter an award of damages. With this form, the jury is able to consider the instructions on each claim and render a verdict without confusion, redundancy, or impropriety.

DEFENDANTS' DISPUTED CLOSING INSTRUCTION (SUPPLEMENTAL AND MODIFIED) NO. 6

In order to prevail on his § 1983 claim alleging defendants deliberately fabricated evidence, plaintiff must prove by a preponderance of the evidence that:

- Defendants deliberately fabricated evidence by falsely quoting statements and/or falsely reporting information in the police reports on which plaintiff's arrest, prosecution and imprisonment were based; and
- Defendants continued their investigation of plaintiff despite the fact that they knew or should have known that he was innocent of any and all crimes for which he was being investigated; and
- 3. Defendant Krause's actions and/or defendant Davidson's actions, or failure to act, were so closely related to the deprivation of plaintiff Spencer's rights as to be the moving force that caused the ultimate injury of plaintiff's arrest, prosecution and imprisonment.

Authority: Devereaux v. Abbey, 263 F.3d 1070, 1076-77 (9th Cir. 2001); Costanich v. Dep't of Social and Health Services, 627 F.3d 1101, 1111-12 (9th Cir. 2010); 9th Cir. Manual of Model Civil Jury Instructions 9.8 (adapted).

Plaintiff's Objection: Plaintiff's Proposed Closing Instructions No. 7 and 9 are an accurate statement of the law as to Plaintiff's claims.

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA

CLYDE RAY SPENCER, PLAINTIFF, V. SHARON KRAUSE AND MICHAEL DAVIDSON, DEFENDANTS. We, the jury, answer the questions QUESTION 1: Has the plaintiff prodefendant Krause and/or defendant Davidson quoting statements and/or falsely repoplaintiff, and/or that defendant Davidson did so but he failed to act to prevent it? Answer "yes" or "no" after the name	SPECIA SPECIA SUPPLE submitted by the yed, by a preportion deliberate orting information knew or shoul	onderance of ely fabricated on on in police d have known	MODIFIED) ws: the evidence, that evidence by falsely reports regarding
ANSWER:		Yes	No
Defendant Krause			
Defendant Davidson			
INSTRUCTION: If you answered "no" to verdict form. If you answered "yes" to Que			
QUESTION 2: Has the plaintiff proved time of the acts and/or failure to act defer reasonably should have known, plaintiff was being investigated?	dant Krause and	d/or defendant	Davidson knew, or
Answer "yes" or "no" after the name have deliberately fabricated quoted statemen		nt(s) found by y	ou in Question 1 to
ANSWER:		Yes	No
Defendant Krause			
Defendant Davidson			

INSTRUCTION: If you answered "no" to Question 2 as to both defendants, sign and return this verdict form. If you answered "yes" to Question 2 as to either defendant, answer Question 3.

QUESTION 3: Has the plaintiff proved, by a preponderance of the evidence, that there

was no probable cau	use to arrest pla	intiff?		ŕ
ANSWER:	Yes	No		
INSTRUCTION: If y answered "yes" to Qu		no" to Question 3, sign r Question 4.	and return this	verdict form. If you
defendant Krause's closely related to the	actions and/or e deprivation of	ff proved, by a prep defendant Davidson's f plaintiff Spencer's ri tiff's arrest, prosecution	s actions, or fail ghts as to be the	lure to act, were so e moving force that
Answer "yes"	or "no" after th	e name of the defendan	t.	
ANSWER:			Yes	No
Defen	dant Krause			
Defen	dant Davidson			
INSTRUCTION: If y answered "yes" to Qu	<i>*</i>	no" to Question 4, sign r Question 5.	and return this v	verdict form. If you
defendant Krause quoted statements a	and defendant and/or falsely re r reasonably sh	ff proved, by a prep Davidson conspired eported information in bould have known, pla stigated?	to deliberatel police reports	y fabricate falsely regarding plaintif
ANSWER:	Yes	No		
INSTRUCTION: If Question 5, answer Q	•	"yes" to Question 4, or	r answered "yes'	" to Question 4 and
QUESTION 6: Wh	at do you find t	o be the plaintiff's tota	al amount of da	mages?
ANSWER:	\$			
INSTRUCTION: Sig	gn this verdict fo	orm and notify the bailif	f.	
DATE:		Presidin	ng Juror	

Authority: WPI 5th Ed. 45.23 (modified)
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